

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JEROME JUNIOR WASHINGTON,)	
)	Civil Action No. 17 – 988
Plaintiff,)	
)	District Judge Joy Flowers Coni
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
SUPERINTENDENT ROBERT)	
GILMORE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Currently pending before the Court a Motion for Summary Judgment filed by Defendants Sedlock, Colgan, Braunlich and Morris (ECF No. 104) and a Motion for Summary Judgment filed by Plaintiff (ECF No. 126). Both Motions were referred to a United States Magistrate Judge in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

On May 12, 2020, the magistrate judge filed a Report and Recommendation (“R&R”) wherein she recommended the following: (1) the Motion for Summary Judgment filed by Defendants Sedlock, Colgan, Braunlich and Morris (ECF No. 104) be granted on the basis that Plaintiff failed to exhaust his administrative remedies, (2) Plaintiff’s Motion for Summary Judgment (ECF No. 126) be denied to the extent that it is not construed merely as a response in opposition to Defendants’ Motion for Summary Judgment, and (3) Defendant Toma be granted summary judgment *sua sponte* for Plaintiff’s failure to exhaust his administrative remedies unless Plaintiff is able to come forward with evidence in his Objections demonstrating that he did properly exhaust his administrative remedies as to his claims against Defendant Toma prior

to filing this lawsuit. (ECF No. 133). The parties were served with the R&R and advised that the deadline to file written objections to it was May 26, 2020, for registered ECF users and May 29, 2020 ,for unregistered ECF users. As of today, no objections have been filed. Accordingly, the following Order is now entered.

AND NOW, this 29th day of July, 2020;

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 133) is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by Defendants Sedlock, Colgan, Braunlich and Morris (ECF No. 104) is **GRANTED** on the basis that Plaintiff failed to exhaust his administrative remedies.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 126) is **DENIED** to the extent that it is not construed merely as a response in opposition to Defendants' Motion for Summary Judgment.

IT IS FURTHER ORDERED that summary judgment is *sua sponte* granted in favor of Defendant Psychiatrist Mr. Toma.

IT IS FURTHER ORDERED that the Clerk of Court enter judgment in favor of the Defendants and mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti

Joy Flowers Conti

Senior United States District Judge

Cc: Jerome Junior Washington
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SCI Greene
175 Progress Drive
Waynesburg, PA 15370

Counsel of record
(Via CM/ECF electronic mail)